

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, *et al.*,

Plaintiffs,

-v.-

JOSHUA MAST, *et al.*,

Defendants,

CIVIL NO: 3:22-cv-00049-NKM-JCH

DECLARATION OF J. COURT SHIPMAN

Pursuant to 28 U.S.C. § 1746, I, J. Court Shipman, declare as follows:

1. My name is J. Court Shipman. I am not a party to the above-captioned litigation. I am an adult citizen of the United States and a resident of the Commonwealth of Virginia. I am competent to testify as to the matters herein, all of which are based upon my personal knowledge, information, and belief.

2. I am a licensed attorney authorized to practice law in the Commonwealth of Virginia. I have been engaged in the practice of law since 2012.

3. I have been employed as Senior Counsel in Liberty University's Office of Legal Affairs ("University") in Lynchburg, Virginia, since November 2021. In my official capacity as Senior Counsel, I am one of the in-house attorneys responsible for assisting the University with responding to legal discovery requests.

4. I am authorized by the University's Office of Legal Affairs to make this declaration, to make the declarations herein, and do so in my official capacity.

5. The University's Office of Legal Affairs also authorized me to forward to counsel for Richard Mast the declaration of John M. Gauger dated February 20, 2024 and filed in the above-

captioned matter.

6. With regard to third-party and non-party subpoenas issued in legal actions that do not involve Liberty University or any of its affiliates as a party, the procedure and practice of the University is to respect and preserve confidentiality and privileges relating to attorney-client communications and work-product doctrine (“Legal Privilege(s)”), once a person asserts any of the Legal Privileges to Liberty University, by delaying production a reasonable amount of time to allow that person time to seek a protective order.

7. In June 2022, the University was served a Subpoena Duces Tecum by counsel for Plaintiffs in the related Fluvanna County Circuit Court case (CV22000186-00). Joshua and Stephanie Mast, through their attorneys, informed the University that they had filed a Motion to Quash. Liberty University’s Office of Legal Affairs later informed Plaintiffs’ counsel that it would delay production on that subpoena until the Circuit Court ruled on the Motion to Quash. See, Letter from Brooke Graham (Office of Legal Affairs) to Elizabeth Vaughan dated June 21, 2022, attached as **Exhibit A**. Counsel for Joshua and Stephanie Mast later informed Liberty’s Office of Legal Affairs that the Masts and Plaintiffs had reached an agreement with the Plaintiffs to preserve the Legal Privileges. See, Letter from Hannon Wright to Brooke Graham, attached as **Exhibit B**. Based on the joint instructions of counsel for the Masts and Plaintiffs, the University filtered its search of email communications by excluding emails between Joshua and Stephanie Mast, and emails between Joshua or Stephanie Mast and the list of attorney email addresses furnished by counsel for Mr. and Mrs. Mast, and produced the filtered search results to Counsel for Mr. and Mrs. Mast and Plaintiffs.

8. In 2023, counsel for the Plaintiffs in the above-captioned matter served a Subpoena Duces Tecum on the University, requesting *inter alia* records and communications related to the adoption of a baby in Afghanistan. Joshua and Stephanie Mast, and Richard Mast, informed the University that they were asserting Legal Privileges over email communications as they had in the

Circuit Court case. The University's Office of Legal Affairs informed Plaintiffs' counsel in the above-captioned case that, based on the continued assertion of privilege by the Masts, Liberty intended to apply the same search limiters as it had in the Circuit Court case, and did so without receiving any request from Plaintiffs' counsel to meet and confer on the emails excluded by the filters applied by Liberty.

9. To the extent that the filtering parameters agreed to by the parties in the Circuit Court action for the production of documents in Paragraphs 7 and 8, above, did not exclude email communications otherwise subject to the Masts' Legal Privileges, the University continues to recognize and respect the assertion of the Masts' Legal Privileges as to such communications, subject of course to any contrary court ruling or order.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on the 15th day of March 2024.



J. Court Shipman

LIBERTY UNIVERSITY

Exhibit A

OFFICE OF LEGAL AFFAIRS

June 21, 2022

VIA REGULAR U.S. MAIL

Ms. Elizabeth S. Vaughan
116 Edwards Ferry Road
Ste. 3
Leesburg, VA 20176

RE: Subpoena to Liberty University for Joshua Mast's student education records;
[REDACTED] v. *Joshua and Stephanie Mast*, Case No. CL22000186-00 in
the Circuit Court of the County of Fluvanna.

Dear Ms. Vaughan:

Your Subpoena dated June 6, 2022, addressed to Liberty University, Office of Legal Affairs, was received by Liberty University, Office of Legal Affairs, by personal service on June 6, 2022, and has been referred to me for response.

Please be advised that Richard L. Mast, Esq., counsel for Joshua and Stephanie Mast, informed me that he and Hannon E. Wright, Esq., filed a Motion to Quash or Modify Subpoena Duces Tecum in response to your Subpoena. Please let me know the outcome of that once the court makes a decision. If the court denies the motion, Liberty University will turn over Mr. Mast's records to comply with your Subpoena.

Sincerely,

Brooke Graham

Brooke Graham
Legal Fellow

Exhibit B

RAKNESS & WRIGHT PLC
ATTORNEYS AT LAW

July 28, 2022

Liberty University
Office of Legal Affairs
Attn: Brooke Graham
1971 University Blvd
Green Hall, Suite 2730
Lynchburg, VA 24515

Re: Agreement Regarding Motion to Quash Subpoena *Duces Tecum* to Liberty University ICO
[REDACTED] v. Masts, Fluvanna County Circuit Court case number CL22000186-00

Dear Ms. Graham,

I am writing to inform you of the resolution with opposing counsel of the subpoena *duces tecum* for Liberty University in the Fluvanna County Circuit Court case number CL22000186-00. The intent of this compromise is to produce valid document requests in the subpoena and to prevent the production of privileged communications and completely unrelated items that could otherwise be responsive to the requests. We have agreed to the following parameters to the subpoena *duces tecum* requests:


Marital and Attorney-Client Privilege: Produce everything responsive to requests except not to produce communications solely between Joshua Mast and Stephanie Mast; except not to produce communications between attorney Richard Mast and Joshua and/or Stephanie Mast after October 12, 2019, and communications between the Masts and attorneys in which they were seeking legal representation during this same time frame; communications between me and Joshua and/or Stephanie Mast and/or Richard Mast after approximately December 10, 2021.

Things that are completely unrelated to this litigation: As stated there are alumni email accounts for the Masts with Liberty University. Document requests # 3 and 5 ask for all documents and communications from September 1, 2019, relating to Joshua and/or Stephanie Mast. As written, this would include every email that each one of them sent and received from those accounts to any person on any topic. Documents produced from those accounts shall be limited to documents and communications involving [REDACTED] or the [REDACTED] and not otherwise privileged as stated above.

Request numbers 1, 2, 4, 6, 7, 8, 9, and 10 are unobjectionable as written given the privilege protections discussed above.

Please let us know if you have any questions or concerns.

Respectfully,


Hannon E. Wright

CC: Elizabeth S. Vaughan

Phone: 434-284-7746

1540 Insurance Lane, Charlottesville, VA 22911

Fax: 540-301-0021

ryan@rakness-wright.com hannon@rakness-wright.com